

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed November 1, 2006, in the above-identified application.

Claims 5, 6, 8, 12-14 and 16-18 are canceled without prejudice or disclaimer. Further, new claim 19 is added. Accordingly, claims 1-4, 7, 9-11, 15 and 19 are the claims currently pending in the present application.

Claims 1 and 15 are amended to clarify features recited thereby. The amendments to the claims are fully supported by applicant's disclosure. For example, support for the amendment to claim 1 may be found at page 6, lines 3 and 16-19, and at page 8, lines 8-9. Claim 15 now includes elements of claim 14.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document and consideration of the references cited in the Information Disclosure Statement filed on May 4, 2005.

Rejection of Claims 14 and 15 under 35 U.S.C. § 112, Second Paragraph

Claims 14 and 15 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claim 14 is rejected on the ground that the term "relatively flat" is indefinite. Claim 14 is canceled and combined with claim 15. Claim 15 does not include "relatively flat."

Claim 15 is rejected on the ground that the limitation "gas regulator" is indefinite for lacking antecedent basis for the term in the claim. Claim 15 is amended.

Rejection of Claims 1-3, 9, 11, 14 and 15 under 35 U.S.C. § 102

Claims 1-3, 9, 11, 14 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Keime, GB 2,165,312. Reconsideration of this rejection is respectfully requested.

According to claim 1, the dispensing of liquid at a controlled rate is provided by an apparatus that applies pressure to the exterior walls of a flexible bag and maintains the pressure at a constant and predetermined level.

Keime discloses a portable self-contained injector for a perfusion device for injecting intravenous fluids into a patient in an emergency or accident situation. Keime discloses a relief valve 22 and a flow regulator 23 that is adapted for manually controlling the injection module outlet 24 (Keime, page 2, lines 29-36), and discloses that the gas reserve proves adequate to evacuate all the liquid contents of the bag 2 (Keime, page 2, lines 95-96).

Keime does not disclose or suggest a pressure regulator arranged to maintain the pressure applied to the exterior walls at a constant and predetermined level, as required by claim 1. The Examiner alleges that Keime discloses “a pressure regulator 23.” However, reference numeral 23 is described by Keime as a flow regulator adapted for manual control (Keime, page 2, lines 32 and 38). As will be understood by a person of ordinary skill, a flow regulator will not enable the pressure applied to the exterior walls of the flexible bag to be maintained at a constant and predetermined level. The pressure is sufficient to allow the gas to enter the chamber through the flow regulator 23. However, Keime discloses at page 2, lines 80-102 that the flow regulator 23 would not suffice to maintain pressure at a constant and predetermined level, because in Keime the pressure is built up within the chamber to levels sufficient to dispense the liquid, and beyond this point, the pressure is not controlled “at a constant and predetermined level” as the liquid is being dispensed. Keime does not disclose or suggest recitations of claim 1.

Claims 2, 3, 9, 11 and 15 depend from claim 1 and thus are patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claims 1-4, 7, 10 and 11 under 35 U.S.C. § 102

Claims 1-4, 7, 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Laing, CA 2,083,555. Reconsideration of this rejection is respectfully requested.

Laing discloses an infusion device that includes a drug bag, a pumping device connected to an air bag, and an electronic control unit for controlling the operation of the pump (Laing, Abstract).

Laing does not disclose or suggest a pressure regulator arranged to maintain the pressure applied to the exterior walls at a constant and predetermined level, as required by claim 1 hereof. The Examiner alleges that Laing discloses “a pressure regulator 50 arranged to control the

pressure applied to the bag.” Laing describes reference numeral 50 as “a control module” (see for example, Laing, page 12, lines 8 and 16). In Laing, the control module cannot maintain the pressure applied to the exterior walls of the flexible bag at a constant and predetermined level, as required by claim 1.

Laing, page 15, lines 6-12, describes the blower fan used to inflate the bag 30 until there is no difference or negative difference to a set point and a reference to the pressure fluctuating between a set point and the actual pressure by intermittent operation of the motor controlled by the control module. Thus, Laing does not disclose or suggest exerting a constant pressure on the bag, but rather discloses the pressure fluctuating between two limits, or thresholds, determined by the control module. Accordingly, Laing does not disclose or suggest the recitations of claim 1.

Claims 2-4, 7, 10 and 11 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

New Claim 19

New claim 19 is added so as more fully to claim patentable features of applicant’s invention. New claim 19 is fully supported by applicant’s disclosure (see, for example, Specification, page 6, lines 16-24).

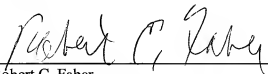
New claim 19 depends indirectly from claim 1 and is therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, allowance of claims 1-4, 7, 9-11, 15 and 19 is respectfully requested.

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